

## REMARKS

### **Claim Objections**

Claims 20, 33, 36 and 37 are objected to for various informalities on page 2 of the Action. Claim 20 has been cancelled in the above amendments thereby rendering this rejection moot as to claim 20. Accordingly, Applicant respectfully requests withdrawal of the objection as to claim 20; however, Applicant has cancelled claim 20 without prejudice and specifically reserves the right to pursue any patentable subject matter that may have been contained in claim 20 at a later time.

With regard to claim 33, the Action states that there are two occurrences of claim 33 in the application as filed. Applicant has canceled the second occurrence of claim 33 in the amendments above and the matter of the second occurrence of claim 33 has been added as new claim 42. Accordingly, Applicant respectfully requests withdrawal of the objection as to claim 33.

With regard to claims 36 and 37, the Action states that they depend from claim 33 and are therefore also objected to because it is unclear whether they are dependent on the first or second occurrence of claim 33 in the claims as originally filed. Applicant has canceled the second occurrence of claim 33 and therefore, the claim dependency of claims 36 and 37 are now clear. Accordingly, Applicant respectfully requests withdrawal of the objection as to claims 36 and 37.

### **Claim Rejections Under §102:**

The Action rejects claims 1-5, 11-15, 17-19, 24-29, 34-38, 40 and 41 under 35 U.S.C. 102(b) as being anticipated by Chieu (U.S. Patent No. 5, 995, 019). Applicant has cancelled claims 3, 11-13, 19 and 24 in the above amendments thereby rendering the rejection moot as to

claims 3, 11-13, 19 and 24. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claims 3, 11-13, 19 and 24; however, Applicant has cancelled claims 3, 11-13, 19 and 24 without prejudice and specifically reserves the right to pursue any patentable subject matter that may have been present in claims 3, 11-13, 19 and 24 at a later time.

With regard to claim 1, Applicant respectfully traverses the rejection because Chieu fails to disclose all the elements of claim 1 as amended. Specifically, claim 1 requires a first energy director at the input to an amplifier and a second energy director at the output of the amplifier, wherein the first and second energy directors are configured to work in conjunction to direct received RF signals around the amplifier and to an RF transceiver. Because Chieu fails to disclose, a first and second energy director configured to work in conjunction in this manner, Chieu cannot anticipate claim 1.

In order to sustain a rejection under 35 U.S.C. 102(b), the cited reference must teach each and every claim limitation (see MPEP §2131). Moreover, “the identical invention must be shown in as complete detail as contained in the...claim.” (see MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). Accordingly, Chieu cannot anticipate claim 1 because Chieu fails to teach each and every element of claim 1 for at least the reasons stated above.

The Action notes, with respect to original claim 3, that Chieu does disclose a transmitter section with an energy director (170) at the output of an amplifier modulator (155) as well as an energy director (120) on the input side of amplifier modulator (155); however, in order for Chieu to anticipate claim 1 as amended above, energy director (170) and energy director (120) must work in conjunction to send received RF signals around amplifier modulator (155) and into an RF transceiver. But as can be clearly seen in figure 4 of Chieu, energy director (170) does not

work in conjunction with energy director (120) to bypass amplifier modulator (155). Rather, energy director (170) directs received signals away from transmitter section (100) and into receiver section (200). Energy director (120) simply takes RF transmit energy from RF source (105) and directs it to the rest of transmitter section (100). Thus, energy director (170) and energy director (120) do not work in conjunction to send received RF signals to an RF transceiver bypassing an amplifier as required by claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 1, because Chieu fails to teach, suggest, or disclose each and every element of claim 1 for these the reasons described above. Applicant also respectfully requests withdrawal of the rejection as to claims 2, 4, 5, 14, 15, 17, and 18, because they depend from claim 1 which is itself allowable over the art of record.

Applicant respectfully traverses the rejection as to claim 15 for the following additional reasons. The Action states that Chieu anticipates claim 15 because Chieu discloses that the energy director is coupled with a switch and that the switch is configured to direct the transmit signal to one of the plurality of antennas. Applicant respectfully disagrees with this assertion, because Chieu does not disclose the use of a switch configured to direct the transmit signal to one of the plurality of antennas. The Action cites Col. 9, lines 1–16, in support of the assertion that Chieu discloses a switch. This section of Chieu discloses no such thing however. Chieu does disclose that a base station (10) can have multiple antennas (185 and 185’); however, Chieu does not teach that a switch is needed to switch between these antennas. In fact, the lines cited in Chieu teaches the opposite. In Col. 8, lines 36–67, Chieu teaches that the first antenna (185) can be checked to determine if any tags are communicating with antenna (185) in step 630. In step 650, Chieu teaches that the other antenna (185’) can then be checked in order to determine

whether or not any tags are communicating with the antenna (185'). But rather than teaching that a switch must be used to switch between the two antennas, Chieu teaches that these steps can be performed simultaneously, i.e., when both antennas are interfaced with receiver section (200) (Col. 9, lines 1–3).

It is well understood that a receiver can be configured to receive signals from a plurality of antennas and discriminate between signals received by those antennas. This is especially true when, as in Chieu, each of the plurality of antennas has a different antenna configuration such as different polarization. Thus, there is no need to use a switch in the systems and methods taught in Chieu, nor does Chieu refer to the use of a switch anywhere in the specification, figures, or claims.

Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 15 for the additional reason that Chieu fails to disclose the use of a switch configured to direct transmit signal to one of the plurality of antennas.

With respect to claim 25, Applicant respectfully traverses the rejection because Chieu fails to teach each and every element of claim 25 as required to support an anticipation rejection under 35 U.S.C. §102(b). Specifically, Chieu fails to teach an RFID interrogator system comprising a plurality of amplifier switch blocks as required by claim 25. The Action states that Chieu does disclose a plurality of amplifier switch blocks at Col. 8, lines 20–35. Applicant must respectfully disagree however.

Each of the plurality of amplifier switch blocks contemplated in claim 25 above, must comprise an amplifier and an energy director. Chieu, however, clearly discloses that an interrogator, or base station, comprises a single transmitter section (100) that includes a single amplifier modulator (155) and a single energy director (120). Chieu states at Col. 4, lines 53–60,

that the “equipment for implementing the method of the most preferred embodiment of the invention uses 5 sections of the base station (10): a computer section (50), a transmitter section (100), a receiver section (200), a hybrid coupling device (170), and an antenna (185).” Thus, Chieu discloses that base stations configured in accordance with the most preferred embodiment used only five sections, and only one of these sections is a transmitter section (100). Since transmitter section (100) includes a single energy director (120) and a single amplifier modulator (155), Chieu does not teach an RFID interrogator system that includes a plurality of amplifier switch blocks as required by claim 25. Moreover, while Chieu does disclose at Col. 8, lines 20–35 that parallel sets of receiver circuitry (200) such as that shown in figure 4 can be included in a base station (10), nowhere does Chieu disclose that parallel, or multiple transmitter sections (100) can be included in a base station (10).

Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 25, because Chieu fails to teach, suggest, or disclose an RFID interrogator system that includes a plurality of amplifier switch blocks as required by claim 25. Further, Applicant respectfully requests withdrawal of the rejection as to claims 26–29, 34–38, 40 and 41, because they depend from claim 25 which is itself allowable over the art of record.

With respect to claim 27, Applicant traverses the rejection for the following additional reasons. Claim 27 indicates that the energy director included in each of the plurality of amplifier switch blocks further comprises an energy director at the input of the amplifier and the energy director of the output of the amplifier. The Action correctly notes that Chieu discloses a transmitter section (100) that includes an amplifier modulator (155) with an energy director (170) at the output of amplifier modulator (155) and an energy director (120) on the input side of amplifier modulator (155); however, in order to anticipate claim 27, these two energy directors

must be working in conjunction to send signals received from the antenna and direct them to a received signal path. In Chieu, only energy director (170) directs signals received from the antenna to a received path. Thus, the two energy directors disclosed in Chieu do not work in conjunction in the manner required by claim 27. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 27 for this additional reason.

With respect to claim 38, Applicant respectfully traverses the rejection for the additional reason that Chieu does not teach a switch as required by claim 38 and as explained with regard to claim 15 above. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 38 for this additional reason.

The Action rejects claims 19–24 under 35 U.S.C. 102(e) as being anticipated by Ovard (U.S. Patent No. 6, 356, 764). Applicant has cancelled claims 19–24 in the above amendments thereby rendering this rejection moot. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claims 19–24; however, Applicant has cancelled claims 19–24 without prejudice and expressly reserves the right to pursue any patentable subject matter and claims 19–24 at a later time.

**Claim Rejections Under §103:**

The Action rejects claims 16 and 39 under 35 U.S.C. 103(a) as being unpatentable over Chieu in view of Lastinger (U.S. Patent No. 6, 61, 410). Applicant respectfully traverses this rejection because Chieu and Lastinger, alone or in combination, fail to teach, suggest, or disclose each and every limitation of claims 16 and 39 as required to sustain a *prima facie* case of obviousness. With regard to claim 16, the Action states that Chieu discloses an RFID interrogator that is switchably connected to multiple antennas; however, as explained above with regard to claims 15 and 38, Chieu does not teach switchably connecting an interrogator with the

plurality of the antennas. Rather, Chieu teaches that a plurality of antennas are simultaneously connected with a transmitter and receiver section. Further, Chieu fails to disclose the first and second energy directors required by claim 1 as described above. Thus, the Action must rely on Lastinger to make up for the deficiencies of Chieu, which it does not. Accordingly, Applicant respectfully requests withdrawal of the rejection to claim 16.

With respect to claim 39, the Action makes similar arguments as those put forth with respect to claim 16. Accordingly, Applicant asserts that claim 39 is allowable for at least the reasons stated above with regard to claim 16 and therefore respectfully requests withdrawal of the rejection as to claim 39.

The Action further rejects claims 6–10 and 30–33 under 35 U.S.C. 103(a) as being unpatentable over Chieu in view of Ovard (U.S. Patent No. 6, 356, 764). Claims 6–10 ultimately depend from claim 1, and claims 30–33 ultimately depend from claim 25. As explained above, Chieu fails to teach, suggest, or disclose each and every element of claims 1 and 25. Thus, claims 6–10 and 30–33 are allowable unless Ovard can make up for the deficiency cited above with respect to Chieu which it does not. Applicant therefore respectfully requests withdrawal of the rejections to claims 6–10 and 30–33, because Ovard fails to make up for the deficiencies cited above with respect to Chieu.

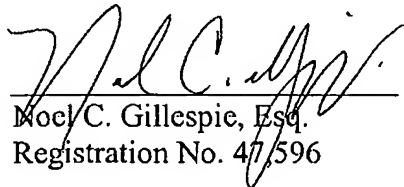
CONCLUSION

Based on the above amendments and remarks, Applicant believes that the claims are in condition for allowance and such is respectfully requested. Applicant believes that the fee required for the three month Petition for Extension of Time is \$510.00. No additional fees are deemed to be due, however, the Commissioner is hereby authorized to charge any additional fee and/or credit any overpayment to Deposit Account Number 13-0480.

Respectfully submitted,

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